



DELTA LEVEES SPECIAL FLOOD CONTROL PROJECTS

**PROJECTS
SOLICITATION PACKAGE
FOR
HAZARD MITIGATION PLAN
LEVEE REPAIR AND IMPROVEMENT
PROJECTS**

January 20, 2012

Special Projects SOLICITATION PACKAGE

The California Department of Water Resources invites eligible applicants to submit a Delta Levees Special Flood Control Projects proposal under the Near-Term Guidelines For Providing Funding to Local Public Agencies (Near-Term Guidelines or Guidelines).

This solicitation specifically seeks levee repair and improvement Projects that improve the stability of the levee system up to the Hazard Mitigation Plan (HMP) standard. The process used to select among qualified proposals shall only consider Projects that improve all levees within the perimeter of the District's jurisdictional land up to the level of HMP. This solicitation will make \$50 million available for levee repair and improvement expenditures from Propositions 1E and 84.

PROPOSAL DUE DATE

February 27, 2012
Hand-delivered by close of business or postmarked

PROPOSAL SUBMITTAL

Please submit four hard copies of the proposal to:

Mike Mirmazaheri, Program Manager
Department of Water Resources
Delta Levees Program
1416 Ninth Street, Room 1641
Sacramento, California 95814

Proposals submitted by mail must be postmarked by February 27, 2012.

Submittals should be limited to no more than 50 pages (not including attachments).

QUESTIONS? NEED ASSISTANCE? CONTACT:

Jon Wright	OR	Andrea Lobato
Department of Water Resources		Department of Water Resources
(916) 651-7010		(916) 651-9295
jwright@water.ca.gov		alobato@water.ca.gov

For an electronic copy of the Projects Solicitation Package, please go to: http://www.water.ca.gov/floodsafe/fessro/levees/special_projects/near_term_guidelines.cfm.

Delta Levees Special Flood Control Projects

Levee Repair and Improvement HMP Projects

Projects Solicitation Package (PSP)

1. BACKGROUND

On November 7, 2006 California voters approved Proposition 1E and Proposition 84 which, among their many provisions, authorized funds for Local Agencies in the Delta through the Delta Levees Special Flood Control Projects Program.

Senate Bill 855 (Chapter 718, statutes of 2010) resulted in the appropriation of \$170 million from Proposition 1E and \$32 million from Proposition 84 for flood control projects to reduce the risk of levee failure in the Delta. This legislation also provided further clarification of appropriations for levee improvement projects that were included in Senate Bill X7 8 (Chapter 2, statutes of 2009).

On February 16, 2010, the Department of Water Resources published the Final Near-Term Guidelines to solicit proposals for the Special Projects Program (cited here as the Guidelines). These Guidelines offer details on the purpose, process, and requirements of the Special Projects project selection. Prior to being finalized, the draft Guidelines were made available for public comment for 30 days, and ultimately extended an additional 7 days to close on December 7, 2009. The Department collected, analyzed, and integrated all comments in the final version of the Guidelines. The Guidelines are incorporated as part of this PSP. All definitions of terms and all requirements for Projects under the Guidelines apply equally to this PSP. A copy of the Final Near-Term Guidelines is available

at: http://www.water.ca.gov/floodsafe/fessro/levees/special_projects/near_term_guidelines.cfm.

This PSP provides a synopsis of the application process and Guidelines requirements, an application timeline, the eligibility, ranking and cost share criteria for the flood control Projects that qualify for this PSP. If this PSP does not cover requirements discussed in the Guidelines, the Applicant is not excused from performance as the Guidelines remain in control.

2. ELIGIBLE APPLICANTS

An Applicant must be a Local Agency responsible for maintaining a Project or Non-Project levee in the Primary Zone of the Delta or a Non-Project levee in the Secondary Zone of the Delta.

3. ELIGIBLE PROJECTS

Under the Near-Term Guidelines, proposed projects must improve the stability of the Delta levee system, reduce subsidence, and/or assist in restoring the ecosystem of the Delta. Under this PSP, a proposed project is expected to raise the levees within the

Local Agency's boundaries to HMP standard. Projects that qualify for this funding will be ranked against similarly qualified projects using the ranking criteria described below.

State cost share for each individual project proposal submitted in response to this PSP is limited to no more than \$2 million, unless the local agency provides sufficient justifications demonstrating the need for additional grant funding in order to raise levees within its boundaries to the HMP standard. The approved projects are expected to be completed within two construction seasons.

4. AVAILABLE FUNDS

This PSP solicits project proposals that can result in as much as \$50 million in total grant funding. The fund sources for this PSP are Propositions 1E and 84. These funds are for projects that will provide levee repair and improvement in the Delta by raising levees within the local agency's jurisdiction to the HMP standard.

5. APPLICATION AND SELECTION PROCESS

Applications must be submitted (either in person, by courier, or postmarked) by 4:00 p.m. on February 27, 2012. Project proposals that do not meet this deadline will not be reviewed or considered further. The Department will review all timely submittals for completeness. Proposals that are not substantially complete will not be further reviewed or considered. The Department may contact proponents of proposals that are substantially complete but missing some items. If a Local Agency is contacted by the Department with a request for more materials or information, the Local Agency will have seven calendar days to provide all requested information.

Complete applications will be reviewed to determine whether they meet the general requirements, general project eligibility criteria, and specific project eligibility criteria.

Once an application is deemed complete and eligible, it will be ranked using the ranking criteria provided below. After the highest ranked Projects are identified and the available funds are allocated, the Department will issue tentative award letters to successful Applicants. Successful Applicants must enter into a Funding Agreement with the Department before any funds will be disbursed.

It is anticipated that tentative award letters will be issued to successful applicants by May 2012. Based on these award letters, the Department and Local Agency will negotiate a Funding Agreement. The Department plans to execute Funding Agreements on or before June 30, 2012, unless, at its sole discretion, it extends this deadline. Once a Funding Agreement has been executed, the Local Agency will develop and submit to the Department a detailed Scope of Work and CEQA compliance documents before it can proceed with construction.

Consistent with the Guidelines, the Department may, at its discretion, issue additional PSPs or exercise its discretion to use direct expenditures if applications submitted under this PSP do not use all available funding.

A. Eligibility Requirements

All complete applications must meet the general eligibility criteria described in the Guidelines.

B. Ranking

All complete and eligible proposals will be ranked according to their score. The highest ranked proposals will be selected for funding subject to available funds based on an estimate of the total Project cost and the estimated State cost share.

The Department reserves the right to deny proposals that do not adequately meet the requirements of California Water Code Sections 12310-12318.

Local Agencies must offer sufficient information for the Department to evaluate their proposals under each criterion. Any criterion that is not met will receive a score of zero for that component. The Department retains discretion to check the reasonableness and accuracy of submitted materials and other information.

Project proposals will be evaluated and ranked based on the following criteria:

Criterion	Score	Notes
Life/Safety (Number of People Protected)	50 points = 5,000 and above 25 points = 1,000 to 4,999 15 points = 0 to 999	This criterion rates each Project based on the total number of people the Project would protect.
Area Protected (Acres)	40 points = 20,000 and above 30 points = 10,000 to 19,999 20 points = 1,000 to 9,999 10 points = 100 to 999	
Project Completion	30 points = Project will be completed in one construction season. 15 points = Project will be completed in two construction seasons.	Likelihood that the project will be completed in one construction season

Criterion	Score	Notes
Project Description	<p>30 points = Application contains a well developed Project Description, that is complete, detailed, and thorough.</p> <p>20 points = Application contains a well developed Project Description that is detailed, but may have components missing.</p> <p>10 points = Application contains Project Description, that may lack detail and have components missing.</p> <p>0 points = Application does not contain a satisfactory Project Description.</p>	<p>A Project Description that is complete, detailed, and thorough would include, but not be limited to: accurate stationing, maps, length of project, necessary permits identified, levee logs, etc.</p> <p>See Section 7 for further detail.</p>
Infrastructure State Assets Local Assets Emergency	<p>Maximum 30 points</p> <p>10 = Project will increase protection of a state highway</p> <p>10 = Project increases protection of local assets</p> <p>10 = Project increases protection of emergency infrastructure</p>	<p>Project provides protection to State assets, including State highways, railroads, gas transmission lines, etc.</p> <p>Project provides protection to local assets, such as local businesses, agricultural operations and facilities, local transportation routes, etc</p> <p>Project provides protection of utilities, roads, services, fuel centers, and food centers, etc.</p>
Habitat Impacts and Mitigation	<p>20 points = Project identifies potential habitat impacts and states how impacts will have been avoided or mitigated for at time of construction.</p> <p>10 points = Project identifies potential unavoidable habitat impacts and describes how they will be mitigated at a future date.</p> <p>0 = Project does not adequately identify potential habitat impacts and/or does not adequately provide for their avoidance or mitigation.</p>	<p>Local Agency to offer documentation of consultations with the California Department of Fish and Game to substantiate the assertions in their Project proposal.</p>

In addition, pursuant to the Delta Levees Program's mandate to also achieve net long term improvement of habitat, projects may receive up to 30 additional ranking points when they identify and commit to significant and specific habitat enhancement work that is above and beyond that required by compensatory mitigation work. To receive maximum scoring, such proposals must include sufficient detail in design and cost estimates for effective review. Where applicable, habitat enhancement components of a proposal should make note of any direct connections with existing habitat mitigation and/or enhancement projects.

C. Cost Share

The State will determine its final cost share once the review and evaluation is complete. As stated in the Guidelines, however, the State minimum cost share is 90 percent of the project cost or the Local Agency share of the cost, whichever is smaller. Projects evaluated under this PSP will be cost shared according to the rules set forth in the Near-Term Guidelines (Pages 23 through 26).

6. APPLICATION TIMELINE

A. Anticipated Schedule

The following is the anticipated schedule for the application and review process:

January 20, 2012	PSP released to the public.
February 27, 2012	Proposals due by 4:00 p.m. (or postmarked) To Mike Mirmazaheri, DWR Delta Levees Program, 1416 9th Street, Room 1641
May 2012	Department notifies Local Agencies of funding decisions.
May - June, 2012	Department develops Funding Agreements for signature by Local Agency and DFG; Local Agency develops Scope of Work.
June 30, 2012 ¹	Last day for Funding Agreement to be executed.

7. PREPARING THE PROPOSAL

Applicants must include the following when submitting a project proposal:

- An application cover sheet that provides an overview of the Project;
- A statement identifying the Applicant's representatives;
- Local Agency Information (see Appendix 1);

¹ The Department may, at its sole discretion, extend this deadline.

- A resolution signed by the Local Agency authorizing submission of the application and designating a representative to sign the application, entering into a contract with the State of California to implement a flood protection Project, and providing the local cost share (see Appendix 2);
- A detailed Project Description; including maps, drawings and a statement explaining the assets the Project will protect and justification for the project. The level of detail provided in the Project Description is at the discretion of the Applicant, but it is in the Applicant's interest to offer as much detail and documentation as possible, as the eligibility and ranking criteria in these Guidelines require a great deal of specific information;
- A statement from a registered professional civil engineer who has reviewed the Project Description, discussing the benefits and technical merit of the Project to flood protection;
- A detailed statement of expected Project costs and a detailed Financial Plan;
- A detailed description of the potential environmental impacts the Project is expected to have on Program habitat types and the environment in general;
- A detailed discussion of the environmental permits required for the Project, and a schedule for permit completion;
- A detailed description of how the Project will meet the requirements of Water Code Sections 12314 and 12987, which require no net long-term loss of habitat and net habitat improvement;
- A statement of loans from other sources or bonds that are associated with the Financial Plan and a statement of repayment method and loan security for such other financing sources; and
- A checklist of the materials required for a complete application as presented in Section XI of the Near Term Guidelines.

8. HOW TO SUBMIT A PROPOSAL

Prepare the attached application form. All items are required. If an item does not apply, provide complete justification for not providing the information. Append all required attachments and other submitted material. In addition, be sure that:

- **Four** copies of each hard-copy item are submitted in person or postmarked by the deadline.
- The application form is hard copy.
- Plans and other graphic material are submitted full size.
- Hard copies or hard copy attachments are completely legible and suitable for copying.

9. CONFLICT OF INTEREST AND CONFIDENTIALITY

All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090, and Public Contract Code, Sections 10410 and 10411.

Applicants should note that by submitting an application, they will waive their rights to the confidentiality of that application, though Department staff will endeavor to keep all applications confidential until Project selection. After the Projects are selected, all applications (those selected and those not) will become public documents.

Appendix 1

Local Agency Information

Title of Project :

Short Description :
:

Applicant Agency

Legal Name:

Mailing Address:

City, State, Zip Code:

Telephone: ()

Fax: ()

E-Mail:

Authorized Representative

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

Alternate Contact

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

Cities/Communities in
the Protected Area:

County :

Members of Congress

Name, District No.:

Name, District No.:

Members of the State Senate

Name, District No.:

Name, District No.:

Members of the State Assembly

Name, District No.:

Name, District No.:

Appendix 2

Resolution No. _____

Resolved by the _____ **of the**
(Name of Agency's Governing Body)

(Name of Agency)

That pursuant to and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or 75030 application by this

(Type of Agency)

be made to the California Department of Water Resources to obtain funding for

(Project Title)

The _____ **of the**
(Authorized Representative)

_____ **is hereby authorized and directed**
(Type of Agency)

to prepare the necessary data, make investigations, sign certifications required as part of the application, and sign and file such application with the California Department of Water Resources.

***Passed and adopted* at the regular meeting of the**

_____ **of the**
(Name of Agency's Governing Body)

(Name of Agency)

on _____
(Date)

Authorized Signature _____

Printed Name _____

Title _____

Clerk/Secretary _____